

REMARKS

Requirement for Restriction/Election

In the Requirement for Restriction/Election dated October 11, 2006, original claims 1-36 were restricted under 35 U.S.C. §121 into the following three groups:

- I. Claims 1-22 and 32, drawn to isolated polypeptide, classified in class 530, subclass 350.
- II. Claims 23-31 and 33-34, drawn to a DNA sequence comprising a nucleotide sequence encoding a polypeptide, a vector and host cell, classified in class 536, subclass 23.5.
- III. Claims 35-36, drawn to a method for inhibiting replication of a virus in cells infected with the virus, classified in class 424, subclass 85.4.

The recited sequences were furthermore subject to restriction under 35 U.S.C. §121, and Applicants were instructed to elect a sequence for examination.

The Examiner further maintained that conjugate claim 10 and claims depending therefrom are drawn to patentably distinct species of non-polypeptide moiety covalently attached to an attachment group of the polypeptide, specifically, a glycol and a sugar. Applicants assume the Examiner meant "polymer" rather than "glycol" and will proceed on that assumption. The Examiner stated that Applicants are required under 35 USC § 121 to elect a single disclosed species for prosecution on the merits, to which the claims shall be restricted if the generic claim(s) are not held to be allowable.

Applicants hereby elect Group I claims 1-22 and 32, and SEQ ID NO:12 and further elect the species of glycol (polymer) conjugates for prosecution in this application, without traverse. Claims 1, 5-22, 32, and new claims 37-45 read on the elected restriction group. Claims 10-18, 32, and new claims 37-45 read on the elected species of glycol (polymer) conjugates, claims 10, 11, and 32 being

generic, while claims 19-20 read on the non-elected species of sugar conjugates. Applicants note that Restriction Group I contains, in addition to claims directed to polypeptide and conjugate compositions, a claim (claim 32) directed to a method of producing the claimed conjugates.

Pursuant to a telephone conversation between the Examiner and the undersigned Agent, Applicants understand that the Examiner meant to include this claim in Restriction Group I and are therefore responding accordingly to maintain claim 32 in restriction Group I.

Status of and Amendments to the Claims

Claims 1, 5, 8, 10, 12-16, and 32 are amended, claims 2-4, 23-31 and 33-36 are canceled, and new claims 37-45 are added herein. Claims 1, 5-22, 32, and 37-45 are pending with entry of this amendment, with claims 19-20 currently withdrawn as being drawn to a non-elected species.

The claim amendments and new claims add no new matter to the application. Claim 1 is amended herein to recited the elected sequence, and redundant claim 4 is canceled. Claim 5 is amended to depend from claim 1. Claims 1, 8 and 10 are amended to further clarify the invention, support for which may be found, for example, at least on page 15 lines 3-31. Claims 12-16 are amended to depend from and to incorporate the limitations of claim 18. Claim 32 is amended to further clarify the invention, support for which is found, for example, at least on page 15 lines 3-31, and new claims 37-45 are added as dependent claims to claim 32. New claims 37-45 find support at least at page 81 line 17 – page 85 line 29 and Example 5 on pages 177-179.

Group II claims 23-31 and 33-34, Group III claims 35-36, and Group I claims 2-3 drawn to a non-elected sequence, are canceled herein without prejudice to filing in one or more continuation and/or divisional applications. Please note that Applicants reserve the right to file subsequent applications claiming any canceled subject matter, and that the claim cancellations should not be construed as abandonment of any claimed subject matter.

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Application No.: 10/848,827
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Preliminary Amendment and Response to Restriction
page 8 of 8

Attorney Docket No.: 0269us410

CONCLUSION

This amendment cancels 16 dependent claims, and adds 9 dependent claims. It is therefore believed that no fee is due for entry of this amendment. However, if a fee is due, the Commissioner is authorized to charge the fee to Deposit Account No. 50-0990. Please charge any additional fees which may be due, or credit any overpayment, to Deposit Account No. 50-0990.

If a telephone conference would expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (650) 298-5452.

Respectfully submitted,

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